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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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DVL, INC. and DVL KEARNY  
HOLDINGS, LLC,

Plaintiffs,

v.

CONGOLEUM CORPORATION and  
BATH IRON WORKS CORPORATION,

Defendants.

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Civil Action No. 17-4261 (KM) (JBC)

**JOINT STIPULATION AND ORDER OF  
DISMISSAL WITH PREJUDICE OF  
PLAINTIFFS' CLAIMS AGAINST  
DEFENDANT BATH IRON WORKS  
CORPORATION**

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CORPORATION**

The parties DVL, Inc. and DVL Kearny Holdings, LLC ("DVL" or "Plaintiffs"), Defendant Bath Iron Works Corporation ("BIW"), and CC Oldco Corporation, successor to Defendant Congoleum Corporation (hereinafter "Congoleum") respectfully submit this Joint Stipulation. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), and in light of the United States

Bankruptcy Court for the District of New Jersey's ruling in *Bath Iron Works Corp. v. Congoleum Corp.*, No. 20-01439 (MBK) (Bankr. N.J.), Dkt. No. 68 (reported at 2021 Bankr. LEXIS 982), DVL and BIW stipulate that DVL is dismissing, with prejudice, all of its claims against BIW in the above-captioned action as alleged in DVL's Amended Complaint (Dkt. 018) because BIW is not a successor-in-interest to any liabilities associated with the approximately 60-acre property in Kearny, New Jersey that was previously owned and operated by Congoleum-Nairn, Inc. (the "Property"), which includes the parcel located at 160-194 Passaic Avenue in Kearny, New Jersey. DVL also stipulates that because Congoleum is the sole successor to the Congoleum flooring business that owned and operated the Property, DVL will not argue directly or indirectly, in any claim or defense, that BIW is the successor to the Congoleum flooring business that owned and operated the Property or that BIW is otherwise responsible in any way relating to the Property (including for any and all activities and/or products of the Congoleum flooring business, including wartime activities and/or products). This Joint Stipulation of Dismissal is without prejudice to any and all other claims and defenses of DVL against Congoleum and any and all other claims and defenses of BIW. Congoleum consents to the filing of this Joint Stipulation between DVL and BIW.

Dated: September 13, 2021

Respectfully submitted,

/s/ Ralph J. Marra

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**SO ORDERED.**

**s/ Kevin McNulty**  
**Hon. Kevin McNulty**  
**U.S. District Judge**  
**Date: 9/17/2021**